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SOUTHERN DISTRICT OF CALIFORNIA

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Attorneys for Plaintiff  
 United States of America

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	Civil No.
	)	
Plaintiff,	)	
	)	EX PARTE MOTION TO APPOINT
v.	)	THE UNITED STATES MARSHAL
	)	AS CUSTODIAN AND TO
\$104,900.00 IN U.S. CURRENCY,	)	DEPOSIT DEFENDANTS IN
	)	SEIZED ASSETS DEPOSIT
\$1,890.00 IN U.S. CURRENCY,	)	ACCOUNT AND TO SUBSTITUTE
	)	THE RES
Defendants.	)	

COMES NOW the plaintiff, United States of America, and moves  
 this Court for an exception to General Order 273 issued by this  
 Court, that is, for an order appointing the United States Marshal  
 as custodian of the above-described defendants upon execution of  
 the warrant of arrest in rem. In support of this motion,  
 plaintiff states as follows:

1. The United States Marshals Service has been staffed with  
 personnel experienced in providing for the management of  
 properties such as the defendants in this case.

2. The United States Marshal has consented to assume  
 responsibility for the protection, maintenance, and safety of the  
 defendants during the period the same remain in custodia legis.

1           3. The continued custody of the United States Marshal  
2 following execution of the warrant of arrest in rem is necessary  
3 and in the best interests of the plaintiff in this case.

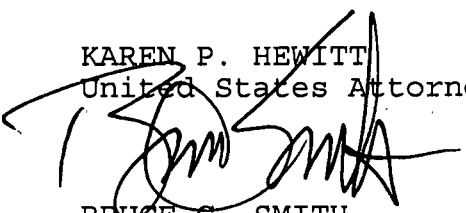
4           4. The United States Marshal has established an account,  
5 the Seized Assets Deposit Account, for the deposit of seized  
6 currency until further order of the Court. It is further  
7 requested that the United States Marshal place the defendant  
8 currencies in the Seized Assets Deposit Account administered by  
9 the United States Marshal. In the event any of the defendant  
10 currency is ordered to be returned to any claimant, the Court may  
11 order the payment of interest thereon. Depositing seized currency  
12 in such an account is proper. See, United States v. \$57,480.05,  
13 722 F.2d 1457 (9th Cir. 1984) (placing seized cash in bank account  
14 was not improper). The account credit of tangible dollars will  
15 constitute an appropriate substitute for the original defendant  
16 currency (res). Id.

17           5. It is further requested that all reasonable expenditures  
18 incurred by the United States Marshal be a first charge against  
19 the defendants.

20           WHEREFORE, plaintiff respectfully requests that an exception  
21 to General Order No. 273 be permitted in this case and that this  
22 motion be granted.

23           DATED: JUNE 5, 2008

24                           KAREN P. HEWITT  
25                           United States Attorney

26                             
27                           BRUCE C. SMITH  
28                           Assistant U.S. Attorney